

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/663,030 09/15/00 SCHROEDER

T DP-300792

PM82/1107

EXAMINER

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ART UNIT	PAPER NUMBER
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3611

DATE MAILED:

11/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/663,030	Applicant(s) Schroder et al.	
	Examiner: Daniel G. DePumpo	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Oct 4, 2001

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.

4a) Of the above, claim(s) 10-25 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-9 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892) 18) Interview Summary (PTO-413) Paper No(s). _____

16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) Other: _____

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 and 9 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Taig.

Taig discloses a steering system having the structure as claimed. The system includes a shaft 16, a sensor 94, a controller 98, a slot 76 and a motor 104.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-8 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Taig in view of Brosh et al. and further in view of Buhl et al.

As set forth above, Taig teaches substantially all that is claimed. Taig does not disclose the use of a Wheatstone bridge. Taig discloses the use of a resistor strain gauge 94, but does disclose whether it is a piezoresistor. Brosh, however, discloses a similar strain gauge sensor including piezoresistors arranged in a Wheatstone bridge. It would have been obvious to arrange the resistors of Taig in a Wheatstone bridge, as taught by Brosh since this is well known (see Brosh col. 2, line 50). It would have also been obvious to use piezoresistors, since Taig is silent

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regarding a preferred type of resistor and since Brosh discloses that these are desirable and are commercially available (see Brosh col. 2, lines 20-37).

Taig also does not disclose whether the base of the piezoresistor is ceramic. Buhl, however, discloses the common use of a ceramic base for a piezoresistive sensor. It would have been obvious to use a ceramic base, as taught by Taig, since this is common in the art and since ceramic is readily available for this purpose.

5. Applicant's arguments filed October 4, 2001 have been fully considered but they are not persuasive.

Applicant's remarks regarding Brier are now moot.

Regarding Taig, applicant alleges that the reference does not disclose a single slot and that the sensor is not responsive as a cantilever beam. To the contrary, Taig clearly shows two slots. This structure encompasses a single slot as claimed. Regarding the cantilever beam, as disclosed at page 4, lines 8-11, to respond as a cantilever beam means that one end of the beam moves with respect to the other end. This function is taught by Taig. Clearly, one end of the beam will move with respect to the other end when the shaft is subject to torsional forces.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel G. DePumpo whose telephone number is (703) 308-1113.



DANIEL G. DePUMPO
PRIMARY EXAMINER

dgd

November 5, 2001